

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**IN RE: BIOPURE SECURITIES
LITIGATION**

Civil Action No. 03-12628-NG

**PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO FILE
A MEMORANDUM OF LAW IN EXCESS OF THE TWENTY PAGE LIMIT**

Pursuant to Local Rule 7.1(B)(4), Plaintiffs hereby move this Court for leave to file a memorandum of law in opposition ("Opposition") to the motions to dismiss the Consolidated Amended Complaint ("Complaint"), filed by defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch, Howard P. Richman, Charles A. Sanders and J. Richard Crout (collectively referred to herein as the "Biopure Defendants") and by defendant Ronald F. Richards' ("Richards"), that exceeds the 20-page limit. As grounds therefor, Lead Plaintiff states as follows:

1. In support of their respective motions to dismiss the Complaint, the Biopure Defendants submitted a memorandum of law (the "Biopure Memorandum") that is forty-two (42) pages in length and defendant Richards has submitted a memorandum of law (the "Richards Memorandum") that is twenty (20) pages in length, for a combined total of sixty-two (62) pages. Plaintiffs' Opposition responds to both the Biopure Memorandum and the Richards' Memorandum.

2. Plaintiffs' counsel believe that because of the number and complexity of the legal and factual issues raised in the defendants' respective memoranda of law, plaintiffs require additional pages to adequately respond to defendants' motions to dismiss.

3. Plaintiffs' counsel has conferred with Defendants' counsel, who have

assented to the relief sought by this motion.

WHEREFORE, Lead Plaintiff respectfully requests that this Court enter and order granting plaintiffs leave to file a sixty-eight (68) page Opposition to defendants' motions to dismiss the Complaint.

Dated: December 7, 2004

Respectfully submitted by Attorneys for
Plaintiffs and the Class and the Subclass,

/s/Theodore M. Hess-Mahan
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I hereby certify that the parties' counsel have conferred in a good faith effort to narrow or resolve the issues raised in this motion. Defendants have assented to this motion.

/s/Theodore M. Hess-Mahan